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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

United States of America,)	No. CV 11-00698-PHX-FJM
)	
Plaintiff,)	ORDER
)	
vs.)	
)	
James Leslie Reading, et al.,)	
)	
Defendants.)	

The court has before it Terry I. Major's emergency motion to stay proceedings pending interlocutory appeal (doc. 85), plaintiff's opposition (doc. 88), and Major's reply (doc. 89). Major is the trustee of defendant Fox Group Trust. The court struck his notice of appearance on behalf of the trust on July 3, 2012 (doc. 79) and denied his motion for reconsideration (doc. 81). He now seeks to stay proceedings until his interlocutory appeal of the court's July 3 order is resolved.

The order regarding Major's representation of the trust did not adjudicate the claims against any defendant and did not end this action. It is not a final order subject to appeal.

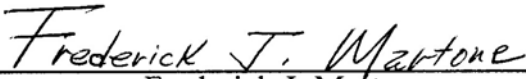
Nor does the order appealed here fall into one of the categories of appealable interlocutory orders under 28 U.S.C. § 1292(a). The order does not involve "a controlling question of law as to which there is substantial ground for difference of opinion and that an immediate appeal from the order may materially advance the ultimate termination of the litigation." 28 U.S.C. § 1292(b).

Major fails to address these issues and instead continues to argue that C.E. Pope Equity Trust v. United States, 818 F.2d 696 (9th Cir. 1987), does not apply to the facts of this

1 case. But C.E. Pope controls here and prevents a non-attorney trustee from representing the
2 trust pro se. As the court stated when denying Major's motion to reconsider, "[r]ights
3 purportedly granted in a trust agreement cannot override federal law" (doc. 81). Natural
4 persons may always represent themselves. But artificial entities, like trusts, must always be
5 represented by counsel. When a person chooses to take advantage of separate entity status,
6 the person accepts the downside of that separate status – the person is not the entity and
7 cannot represent it.

8 **IT IS ORDERED DENYING** trustee Terry I. Major's emergency motion to stay
9 proceedings pending interlocutory appeal (doc. 85).

10 DATED this 28th day of August, 2012.

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13 Frederick J. Martone
14 United States District Judge
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